

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19-cv-00183-MR

DAMON M. MOBLEY,)
Plaintiff,)
vs.) ORDER
FNU TANKERSLY,)
Defendant.)

)

THIS MATTER is before the Court on Plaintiff's letter to the Clerk.

[Doc. 40].

Pro se Plaintiff Damon M. Mobley ("Plaintiff") is currently incarcerated at Ashe County Jail in Jefferson, North Carolina. Plaintiff filed a Complaint under 42 U.S.C. § 1983 against Defendants FNU Tankersly and FNU Tipton on June 7, 2019. [Doc. 1]. The Court allowed Plaintiff's Complaint to proceed against Defendant Tankersly, but Defendant Tipton was dismissed as a Defendant. [Doc. 10]. Defendant Tankersly's motion for summary judgment is currently pending before the Court. [Doc. 24].

Now before the Court is Plaintiff's letter, directed to the Clerk, in which Plaintiff states that some of his "paperwork" related to this action was

damaged due to a spill of dirty mop water. [Doc. 40]. Plaintiff states that he “can still read them” but asks the Clerk to tell him how he can get copies of all his documents. [Id.].

The Court declines to consider this letter and will strike it from the record in this matter. As Plaintiff was expressly directed in the Order of Instructions mailed to him on June 10, 2019, documents Plaintiff files with the Court should not be directed to the Clerk of Court. [Doc. 3 at ¶ 5]. Should the Plaintiff seek particular relief, he must file a proper motion with the Court. [Id. (“Only motions will be ruled on by the Court.”)]. The Court will, however, direct the Clerk to send Plaintiff a copy of the docket in this matter should it assist Plaintiff in identifying any documents he may need to seek by proper motion.

ORDER

IT IS, THEREFORE, ORDERED that the Plaintiff’s [Doc. 40] is **STRICKEN** from the record in this matter.

The Clerk is respectfully instructed to send Plaintiff a copy of the docket in this matter.

Signed: October 31, 2020



Martin Reidinger
Chief United States District Judge

